

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-11, 13, 16, and 18-20 are pending. Claims 12, 14, 15, 17, and 21 have been cancelled. Claim 1 has been amended to recite specific ranges for the water content for the initial phase and latter phase of the process of conversion. Support for this amendment may be found, for example, in at least paragraph [0037] of this application's publication, US 2007/0255081. Claim 21 was cancelled to avoid redundancy with the claim amendment. Thus, no new matter has been added.

Claims 1-11, 13, 16, and 18-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over NPL to Cavani *et al.*, entitled "Effect of Water in the Performance of the Solid Phosphoric Acid Catalyst for Alkylation of Benzene to Cumene and for Oligomerization of Propene" (herein "Cavani") in view of PCT Publication No. WO 93/16020 to Mathys *et al.* (herein "Mathys") for the reasons stated on pages 2-7 of the Action. Applicants respectfully disagree.

Cavani is unequivocally directed to a solid phosphoric acid catalyst. On the contrary, the subject claims are now limited to processes utilizing zeolite catalysts. Although Cavani and the subject claims concern water, there is no reasonable expectation of success that zeolite catalysts could necessarily and successfully be "dropped-in" in place of the solid phosphoric acid catalyst of Cavani, especially considering the unpredictability nature of the chemical arts. (*See* M.P.E.P. § 2144.08II.A.4.(e).) ("If the technology is unpredictable, it is less likely that structural similar species will render a claimed species obvious because it may not be reasonable to infer that they would share similar properties.") Indeed, there is no chemical similarity or analogy that can be made between the two catalyst types. (*See, for example*, M.P.E.P. § 2141.01(a) (Analogous and Nonanalogous Art) and M.P.E.P. § 2144.09 (Close Structural Similarity Between Chemical Compounds).)

As for Mathys combined with Cavani, they fail to disclose or suggest the *select* combination of the specific ranges for the water content for the initial phase and latter phase of the process of conversion of the amended claims. As such, Applicants respectfully submit that the subject claims are patentable over Mathys and Cavani and request withdrawal of the rejection.

Applicants respectfully solicit a prompt notice of allowability. In the alternative, Applicants invite the Office to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Office's satisfaction.

Respectfully submitted,

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Date

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